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Approved:

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[FR Doc. 2024–20385 Filed 9–9–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0705]

RIN 1625–AA00

Safety Zone; Key West Paddleboard Classic, Key West, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waterways surrounding Key West, Florida, during the 27th Annual Key West Paddle Classic event. The safety zone is necessary to ensure the safety of event participants and spectators from potential hazards associated with this event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port (COTP) Key West or a designated representative.

DATES: This rule is effective from 7 a.m. until 5 p.m. on September 28, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0705 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Hailye Wilson, Waterways Management Division Chief, Sector Key West, FL, U.S. Coast Guard; telephone 305–292–8768; email Hailye.M.Wilson@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive the final details from the event sponsor that the annual Key West Paddle Classic event will be held on September 28, 2024. The Coast Guard has an existing safety zone for this event in 33 CFR 165.786, table to § 165.786, Item No. 4.1; however, the existing regulation only covers the event when it is scheduled on the last weekend of April. The Coast Guard lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. It is impracticable and contrary to the public interest to delay issuing this rule because it is necessary to protect the safety of participants, spectators, the public, and vessels transiting the waters adjacent to Key West, FL.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with this event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The Captain of the Port Key West (COTP) has determined that potential hazards associated with open water swim events will be a safety concern for persons and vessels in the regulated area. This rule is needed to ensure the safety of the event participants, the general public, vessels and the marine environment in the navigable waters within the safety zone during the 27th Annual Key West Paddle Classic paddle board event.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. through 5 p.m. on September 28, 2024. The safety zone will cover all navigable waters within 50 yards in front of the lead safety

vessel preceding the first event participants, 50 yards behind the safety vessel trailing the last event participants, and at all times extend 100 yards on either side of safety vessels. The event course begins at Higgs Beach in Key West, Florida, moves west to the area offshore of Fort Zachary Taylor Historic State Park, north through Key West Harbor, east through Fleming Key Cut, south through Cow Key Channel, and west returning back to Higgs Beach, in Key West, FL. Approximately 100 paddle boarders and six safety vessels are anticipated to participate in the paddle board event. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the paddle board event. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the location, duration, and time-of-day of the safety zone. This rule involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable waters of Key West, Florida, during a paddle board event lasting nine hours. Although persons and vessels may not enter, transit through, anchor in, or remain within the zone without authorization from the COTP or a designated representative, they will be able to safely transit around this safety zone. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule will allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of

power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 10 hours that will prohibit entry within 100 yards from safety vessels being used to guide event participants, and thus is limited in time and scope. It is categorically excluded from further review under paragraph L60(a) of appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER**

INFORMATION CONTACT section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T07–0705 to read as follows:

§ 165.T07–0705 Safety Zone; Key West Paddleboard Classic, Key West, FL.

(a) *Location.* The following regulated area is a moving safety zone beginning at Higgs Beach in Key West, Florida, moving west to the area offshore of Fort Zachary Taylor Historic State Park, moving north through Key West Harbor, moving east through Fleming Key Cut, moving south through Cow Key Channel, and moving west returning back to Higgs Beach. The safety zone will be extending 100-yards to either side of the race participants and safety vessels; extending 50 yards in front of the lead safety vessel preceding the first race participants; and extending 50 yards behind the safety vessel trailing the last race participants.

(b) *Definition.* As used in this section, the term “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Key West (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Key West by telephone at (305) 292–8772, or a designated representative via VHF–FM radio on channel 16 to request

authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF-FM channel 16, or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 7 a.m. until 5 p.m. on September 28, 2024.

Dated: September 5, 2024.

J.D. Ingram,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2024-20384 Filed 9-9-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2024-0251]

RIN 1625- AA00

Safety Zone; Hurricanes, Tropical Storms, and Other Storms With High Winds; Captain of the Port Zone Sector Delaware Bay

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone for the navigable waters of the Sector Delaware Bay Captain of the Port (COTP) Zone to be enforced in the event of hurricanes, tropical storms, and other storms with high winds. This action is necessary to ensure the safety of the waters of the Sector Delaware Bay COTP Zone. It would establish actions to be completed by industry and vessels within the COTP Zone before and after hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania make landfall.

DATES: This rule is effective October 10, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2024-0251 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed

rulemaking, call or email LCDR Owen Mims, Chief Waterways Management Division, U.S. Coast Guard; 215-271-4814, SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
MTS Marine Transportation System
NPRM Notice of proposed rulemaking
NWS National Weather Service
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Delaware, New Jersey, and Pennsylvania have the potential to be affected by hurricanes and tropical storms on a yearly basis, especially between the months of June and November. Additionally, severe storms generating high winds and rough seas are also common in the winter months. On May 28, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Hurricanes, Tropical Storms, and Other Storms With High Winds; Captain of the Port Zone Sector Delaware Bay (89 FR 46043). There, we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended June 27, 2024, we received two comments.

III. Legal Authority and Need for Rule

As noted above, Delaware, New Jersey, and Pennsylvania are subject to hurricanes and other storms generating high winds from year to year. This rule is necessary to protect mariners, port infrastructure, and the environment during and after these severe weather events. The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received two comments on our NPRM published May 28, 2024. One comment expressed support for the rule and did not recommend any changes. The other did not address the subject matter of the rule. We are finalizing the regulatory text of this rule without changes from the text proposed in the NPRM.

This rule establishes a safety zone on the navigable waters of the Sector Delaware Bay COTP Zone during hurricanes, tropical storms, and other storms with high winds. This safety zone provides for actions to be completed by local industry and vessels

in the COTP zone prior to and after landfall of hurricanes, tropical storms, and other storms with high winds threatening the States of Delaware, New Jersey, and Pennsylvania. Port Conditions (WHISKEY, X-RAY, YANKEE, ZULU, and RECOVERY) are standardized Coast Guard terms within the Coast Guard's Atlantic Area for states of operation declared by the COTP and communicated to port facilities, vessels, and members of the Marine Transportation System (MTS). Notice of Port Conditions and their requirements will be given via Marine Safety Information Bulletins and Broadcast Notice to Mariners.

Actions to be taken by vessels are provided in the language of the rule. In addition, ports and waterfront facilities are encouraged to act when specific Port Conditions are declared. Under Port Condition WHISKEY, all ports and waterfront facilities shall remove all potential flying debris and secure potential flying hazards. Upon declaration of Port Condition X-RAY, all ports and waterfront facilities shall ensure that all requirements under Port Condition WHISKEY are implemented in addition to the removal of all hazardous materials, and securing all loose cargo, and cargo equipment. Upon a declaration of Port Condition YANKEE, all ports and waterfront facilities should ensure that all requirements under Port Condition X-RAY are implemented, and terminal operators shall cease all cargo operations not associated with storm preparations.

Under the rule, the COTP retains flexibility in exercising control over vessel traffic during periods of heavy weather, and the rule allows for the expedited resumption of the MTS following such events. The safety zone consists of all waters of the territorial seas within the Sector Delaware Bay COTP Zone, as defined in 33 CFR 3.25-05. Portions of the safety zone might be activated at different times, as conditions dictated. The regulatory text appears at the end of this document.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is